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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,702	07/06/2001	Mark S. Aude	K0480/7005 JH	3951

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Wolf, Greenfield & Sacks, P.C.
Federal REserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2211

EXAMINER

HYEON, HAE M

ART UNIT PAPER NUMBER

2839

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,702

Applicant(s)

AUDE ET AL.

Examiner

Hae M Hyeon

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 12-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the invention I, which corresponds to claims 1-11, in Paper filed on October 20, 2003 is acknowledged.

Drawings

2. New corrected drawings are required in this application because the reference numbers are hand written numbers. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the registration feature and its corresponding feature.

Claim 11 recites that at least one registration feature is adapted to mate with a **corresponding feature to position the receptacle in a predetermined location**. However,

claim 11 does not recite where is the corresponding feature. Therefore, it is not clear what is the predetermined location since the location of the corresponding feature is not known. Also, it is not clear in what structure the corresponding feature is belonged to.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Reitmeier et al (6,215,938 B1).

Reitmeier discloses a tray 30 comprising a base 32; a circular receptacle 34 for receiving at least one coil of fiber having an upstanding wall 34a with at least one opening 34a to allow an end portion of the fiber to extend from the receptacle and at least one retainer 42 disposed on the base 32. Reitmeier teaches that the retainer 42 permit a tie mechanism (such as a string, tie, cord, etc.) to be attached to the tie clip 42 and surrounding the fibers. Therefore, the retainer secures fibers having any one of a range of diameters. Reitmeier also teaches that the base can have an opening 37' proximate to the at least one retainer 42'.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier et al in view of Orlando (5,724,469).

While Reitmeier discloses a tray having a circular receptacle 34, the tray of Reitmeier does not have a locking mechanism as recited in claims 8-10. However, Orlando discloses a tray comprising a circular receptacle having a latch locking mechanism 30, 32 supported on a base 10 to retain a coiled fiber 28 within the receptacle 26. The locking mechanism 30, 32 is movable between an open position and a closed position. The locking mechanism comprises at least one latch 30, but the latch does not engage an inner surface of an upstanding wall of the receptacle 34. Instead, the latch 30 engages a catch 32 spaced apart from the upstanding wall of the receptacle. However, the latch 30 can be reversed to engage the inner surface of the upstanding wall. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray taught by Reitmeier such that it would have a latch locking mechanism as taught by Orlando to retain a coiled fiber within a receptacle.

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9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier et al and Orlando as applied to claims 1-5 and 8-10 above, and further in view of Daoud et al (6,580,866 B2).

While Reitmeier and Orlando do not disclose at least one registration feature located within the circular receptacle, Daoud discloses at least one registration feature 72, 74 in a circular receptacle 12 that engages a corresponding feature 80, 82 to position the receptacle in a predetermined location.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray of Reitmeier such that it would have a registration feature as taught by Daoud because the registration would allow to join two part correctly such as the cover with the receptacle in the tray of Reitmeier.

Allowable Subject Matter

10. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: None of the cited references discloses the fiber end retainer holding the end of the fiber being supported by the base over the aperture.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,835,660 by Jung et al., US Patent No. 6,272,276 B1 by potteiger et al.,
and US Patent No. 6,625,374 B2 by Holman et al.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The
examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone number for the
organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-308-0956.

Any response to this action may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

For additional information regarding this new address, which was effective May 1, 2003, *see Correspondence with
the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Or Faxed to:

(703) 308-7722 or 308-7724

(Informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

Hae M Hyeon
Examiner
Art Unit 2839

hnh

hnh

Hae Moon Hyeon